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January 28, 2011

VIA ECF

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Attention: Honorable Rosanne Mann, United States Magistrate Judge

RE: MOHAMMAD BAHRAM and PARVINDER K. CHAWLA
v. FORD MOTOR COMPANY
Civil Action No.: 10-CV-3131
Our File No.: 5000-324

Dear Magistrate Mann:

Our office represents the interest of Ford Motor Company in the above referenced matter. Please allow this to serve as a status update on the above referenced matter and as a request for a schedule to file a motion to dismiss for plaintiff's willful failure to comply with the Court's September 20, 2010 Initial Conference order and for failing to respond to any discovery demands which were served by Ford Motor Company on July 7, 2010.

Briefly, this matter concerns an alleged automobile accident that occurred on June 11, 2007 involving a 2005 Ford Crown Victoria wherein the plaintiffs are claiming that the seat belt/airbag malfunctioned (alleged strict product liability design and manufacturing defects). The action was filed one day before the statute of limitations would have expired on June 10, 2010 in the Supreme Court of the State of New York, Queens County. The action was removed to the United States Federal District Court Eastern District Court on July 9, 2010 based upon diversity jurisdiction.

As the Court may recall from the initial conference on September 20, 2010 plaintiffs' counsel stated that the vehicle at issue was a) no longer available for inspection and b) that plaintiffs' experts never inspected said

*Plaintiff is directed
to show cause, in writing,
by February 2, 2011, why
the relief requested
should not be granted.*

SO ORDERED
/s/
Rosanne L. Mann
U.S. Magistrate Judge
Dated: 2/1/11

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ATT: Honorable Rosanne Mann, United States Magistrate Judge

January 28, 2011

RE: MOHAMMAD BAHRAM and PARVINDER K. CHAWLA v. FORD MOTOR COMPANY

vehicle. The Court issued an initial scheduling order after the conference that directed Rule 26 Initial Disclosure be completed by October 15, 2010.

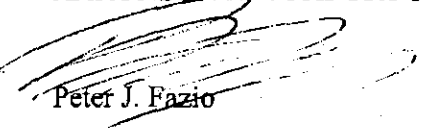
To date, despite two good faith letters and this Court's September 20, 2010 order, plaintiffs have failed to provide their Rule 26 Initial Disclosure and failed to respond to Ford Motor Company's demands of July 7, 2010.¹ Federal Rule of Civil Procedure 37 (b) (2) provides, in part, that if a party fails to obey an order to provide or permit discovery, the court in which the action is pending may make such orders in regard to the failure as are just, and among others, an order dismissing the action or proceeding.

In light of the fact that plaintiff has yet to provide an Initial Rule 26 response; failed to comply with this Court's September 20, 2010 order; failed to provide responses to Ford's combined demands of July 7, 2010; and failed to respond to Ford's two good faith letters, Ford hereby requests permission to file a motion to dismiss.

Should you have any questions, please do not hesitate to contact the undersigned. Thank you for your time and consideration of the above request.

Very truly yours,

AARONSON RAPPAPORT FEINSTEIN & DEUTSCH, LLP



Peter J. Fazio

PJF:jo

Cc: **VIA ECF**
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¹ Attached please find Ford's good faith correspondence of October 15, 2010 and January 6, 2011.